

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

E.J. FIELDS, individually and as  
successor in interest to E. Fields,  
deceased; C. FIELDS, individually  
and as successor in interest to E.  
Fields, deceased; UNKNOWN NAMED  
PLAINTIFFS, all in their individual  
capacities, and all in their  
capacities as representatives of the  
classes described fully  
hereinbelow; ALPHA DOE, in his/  
her capacity as a representative of  
the class described fully  
hereinbelow; BETA ROE, in his/her

No. 99-55605

capacity as a representative of the

D.C. No.

class described fully hereinbelow,

CV-98-01247-R

Plaintiffs,

ORDER AND

and

OPINION

STEPHEN YAGMAN,  
Appellant,

v.

DARYL GATES; WILLIE WILLIAMS;  
BERNARD PARKS; RICHARD RIORDAN;  
TOM BRADLEY; RICHARD ALARCON;  
RICHARD ALATORRE; HAL BERNSON;  
LAURA CHICK; JOHN FERRARO;  
MICHAEL FEUER; RUTH GALANTER;  
MICHAEL HERNANDEZ; NATE  
HOLDEN; MARK RIDLEY-THOMAS;  
RUDY SVORINICH; JOEL WACHS;

RITA WALTERS; ZEV  
YAROLSLAVSKY; HERBERT  
BOECHMANN; GERALD CHALEFF;  
RAYMOND FISHER; DEAN HANDSELL;  
DEIDRE HILL; ART MATTOX; EDITH  
PEREZ; JAMES FISK; JANET G.  
BOGIGIAN; MARY BURWELL COOPER;  
ELLEN M. FAWLS; MICHAEL K. FOX;  
JAMES K. HAHN; KATHERINE J.  
HAMILTON; RICHARD HELGESON;  
THOMAS HOKINSON; STUART D.  
HOTCHKISS; ANNETTE KELLER;  
LENORE LASHLEY; HONEY A. LEWIS;  
WARD G. MCCONNELL; LOUIS  
MILLER; JOHN T. NEVILLE; JAMES  
PEARSON; TAYO POPOOLA; ROBERT  
J. PULONE; PHILLIP G. SUGAR;  
G. DANIEL WOODARD; DON W.  
VINCENT, II; UNKNOWN NAMED  
DEFENDANTS, NOS. 1-100, who are  
either Policymakers, City Council  
Members, or Los Angeles Board  
of Police Commission Members,  
or Employees of the Los Angeles  
City Attorney's Office, both past  
and present; DANIEL KOENIG; JERRY  
BROOKS; BRIAN DAVIS; JOSEPH  
FREIA; EDWARD GUIZA; JOHN  
HELMS; RICHARD SPELMAN;  
LAWRENCE WINSTON; PHILLIP JAMES  
WIXON; GARY ZERBEY; RICHARD  
ZIERENBERG; J. TORTORICI;

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CALLIAN; J. TIPPINGS; J. TOMA;  
J. CALLAN; C. BENNETT;  
R. RODRIGUEZ; G. HOLBROOK;  
J. FRUGE; J. HARRIS; R. KRAUS;  
J. KILGORE; A. DUMLER; UNKNOWN  
NAMED DEFENDANTS, NOS. 100-200,  
who are Members, or Employees,  
or Officers of the Los Angeles  
Police Department, both past and  
present,

Defendants-Appellees.

Appeal from the United States District Court  
for the Central District of California  
Manuel L. Real, District Judge, Presiding

Argued and Submitted  
September 14, 2000--Pasadena, California

Opinion Filed November 12, 2000  
Order Filed December 4, 2000

Before: Harry Pregerson, William A. Fletcher, and  
Ronald M. Gould, Circuit Judges.

Per Curiam Opinion

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## COUNSEL

Joseph Reichmann, Jr., Venice, California, for the appellant.

Lisa S. Berger, Office of the City Attorney, Los Angeles, California, for the appellees.

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## ORDER

The Memorandum disposition, filed November 14, 2000, is hereby redesignated a PER CURIAM OPINION.

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## OPINION

### PER CURIAM:

Appellant Stephen Yagman was sanctioned for "judge shopping" by the district court under Federal Rule of Civil Procedure 11 and the court's inherent power. The district

court ordered that Yagman pay costs, including attorneys' fees, for the prosecution of the sanctions motion. The district court ordered further that Yagman enroll in a course in legal ethics and professional responsibility given by an accredited law school, and that he report to the court both his full attendance and the grade received in the course.

Appellees stated at oral argument that they have not sought, and will not seek, to enforce the order for payment of costs. The portion of Yagman's appeal directed to that issue is therefore moot. In addition, appellees concede that because the underlying case had already been dismissed when they sought sanctions, the district court had no power to sanction Yagman under Rule 11.

[1] Thus, the only question before this court is whether the district court had inherent power to order that Yagman attend a course in legal ethics and responsibility. See *Roadway Express, Inc. v. Piper*, 447 U.S. 752 (1980). Under the circumstances of this case, we do not affirm the imposition of this sanction. See *Hernandez v. City of El Monte*, 138 F.3d 393 (9th Cir. 1998).

REVERSED.